

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

02-60897

CIV-MORENO MAGISTRATE JUDGE
GARBER

UNITED STATES OF AMERICA,

Plaintiff,

v.

TWO MILLION FOUR HUNDRED THOUSAND
DOLLARS (\$2,400,000.00) IN UNITED
STATES CURRENCY,

Defendant.

NIGHT BOX
FILED

mg
JUL 27 2002
CLERK OF COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States files this Verified Complaint for Forfeiture In Rem and in support alleges that:

1. This is a civil action for forfeiture in rem Against Two Million Four Hundred Thousand Dollars (\$2,400,000.00) In United States currency.
2. This Court has jurisdiction over this matter pursuant to Title 28 U.S.C. §1345 and 1355.
3. This Court has venue over the defendant currency pursuant to Title 28 U.S.C. §1395(a) and (b).
4. The defendant currency is forfeitable pursuant to Title 21 U.S.C. §§881(a)(6), as moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation 21 U.S.C. §801 et seq., and all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. §801

1/32

et seq.

5. William Bethel a/k/a Brian Bethel, the owner of the defendant currency consented to the forfeiture of the currency in his criminal case of U.S.A. v. William Bethel, a/k/a Brian Bethel, et al., Case No 00-1091-CR-Highsmith. On April 5, 2001, a preliminary order of forfeiture was entered against the \$2.4 million dollars in Bethel's criminal case. The order, however, was not included, pronounced and made part of the July 19, 2001, judgment entered at Bethel's sentencing.

6. The order of forfeiture listing all the assets must be included and made part of the criminal judgment and sentence pronouncement, otherwise there can be no criminal forfeiture. See Rule 32.2, Fed. R. Crim. P. and U.S.A. v. Gilbert, 244 F.3d 888 (11th Cir. 2001).

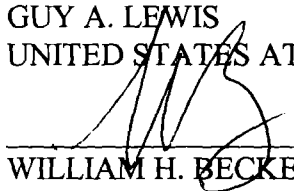
7. Under Rule 35(c), Fed. R. Crim. P., a court has 7 days after the imposition of sentence to correct its sentence. After the expiration of the 7 days, the Court loses jurisdiction. The seven days have expired and the judgment was not corrected. Because the criminal forfeiture was not completed against the defendant currency, this civil action was brought to finalize the forfeiture and disposition of the monies

WHEREFORE, the United States of America request that process in due of law according to the procedures of the Court in cases of actions in rem in accordance with provisions of Rule C (3), Supplemental Rules of Certain Admiralty and maritime Claims issue against the defendant currency, and that any person or persons having any interest therein be cited and directed to appear herein and answer this complaint, and that this Court decree the condemnation and forfeiture of the defendant currency to the United States and that plaintiff have such other and further relief as may be just and proper.

Respectively submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

BY:



WILLIAM H. BECKERLEG, JR.
ASSISTANT U.S. ATTORNEY
500 E. Broward Blvd., Suite 700
Ft. Lauderdale, Florida 33394
Tel: (954) 356-7314 ext. 3614
Fax: (954) 356-7180
Fla Bar No. A550007

VERIFICATION

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that, I, Keith Weiss, Special Agent for the Drug Enforcement Administration, have read to foregoing Complaint for Forfeiture In Rem and state that the contents are true to be best of my knowledge and belief.

KEITH WEISS
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

Respectively submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

BY:

WILLIAM H. BECKERLEG, JR.
ASSISTANT U.S. ATTORNEY
500 E. Broward Blvd., Suite 700
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Fla Bar No. A550007

VERIFICATION

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that, I, Keith Weiss, Special Agent for the Drug Enforcement Administration, have read to foregoing Complaint for Forfeiture In Rem and state that the contents are true to be best of my knowledge and belief.



KEITH WEISS
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

CIVIL COVER SHEET 02-60897

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
William H. Beckerleg, Jr.
500 East Broward Blvd., Suite 700
Fort Lauderdale, FL 33394
(954) 356-7314

DEFENDANTS

CIV-MORENO
TWO MILLION FOUR HUNDRED THOUSAND
DOLLARS (\$2,400,000.00) IN UNITED
STATES CURRENCY

MAGISTRATE JUDGE
GARBER

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

| A CONTRACT | A TORTS | FORFEITURE/PENALTY | A BANKRUPTCY | A OTHER STATUTES |
|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ref. Inc. Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions |

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

Title 21 U.S.C. §881 (a)(6) Proceeds

LENGTH OF TRIAL
via _____ days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A
UNDER F.R.C.P. 23

CLASS ACTION

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Honorable Shelby Highsmith

DOCKET NUMBER 00-1091-CR-HIGHSMITH

DATE 6-28-2 SIGNATURE OF ATTORNEY OF RECORD

William H. Beckerleg, Jr.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE